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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 UNITED STATES OF AMERICA,) CASE NO.: CR99-308-TSZ
10 Plaintiff,)
11 v.) SUMMARY REPORT OF U.S.
12 BAILEY CREDO WITT,) MAGISTRATE JUDGE AS TO
13 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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15 An initial hearing on supervised release revocation in this case was scheduled before me
16 on January 13, 2006. The United States was represented by AUSA Susan M. Roe and the
17 defendant by Carol A. Koller. The proceedings were digitally recorded.

18 Defendant had been sentenced on or about September 24, 1999 by the Honorable Thomas
19 S. Zilly on a charge of Bank Robbery and sentenced to 60 months in custody, 5 years supervised
20 release.

21 The conditions of supervised release included the standard conditions plus no firearms,
22 submit to mandatory drug testing, participate in a drug dependency/substance abuse program,
23 abstain from the use of alcohol, restitution in the amount of \$1,549, provide access to financial
24 information, no new credit without permission, and participate in a mental health program. (Dkt.
25 26).

26 On December 20th, 2005, defendant admitted to violating the conditions of supervised

01 release by using cocaine and associating with a convicted felon. (Dkt. 40). The defendant
02 requested an evidentiary hearing on the allegation that he failed to appear for drug testing on or
03 about September 29, 2005 in violation of the special condition requiring him to participate in a
04 program for treatment of drug dependency to include testing for the use of drugs. (Violation
05 number 2, Petition of October 6, 2005).

06 In an application dated December 30, 2005, U.S. Probation Officer Calvin Bouma alleged
07 the following violation of the conditions of probation (these violations were incorporated into the
08 violations alleged on October 6, 2005) (Dkt. 41):

09 4. Possessing Stolen Property, Second Degree (a class C felony and a violation of
10 RCW 9A1.010), on or about October 17, 2005 in Island County, Washington in violation of the
11 general condition that he not commit another federal, state or local crime.

12 5. Associating with a convicted felon (Jason M. Bowen) on or about October 17,
13 2005 in violation of standard condition No. 9.

14 Defendant was advised in full as to those charges and as to his constitutional rights.

15 Defendant admitted violation number 5, and violation number 2 in the report of October
16 6, 2005 and waived any evidentiary hearing as to whether they occurred. The United States moved
17 to dismiss violation number 4.

18 I therefore recommend the Court find defendant violated his supervised release as alleged
19 in violations 2 and 5, that violation number 4 be dismissed, and that the Court conduct a hearing
20 limited to the issue of disposition. The next hearing will be set before Judge Zilly.

21 Pending a final determination by the Court, defendant has been detained.

22 DATED this 17th day of January, 2006.

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25 Mary Alice Theiler
26 United States Magistrate Judge

cc: District Judge: Honorable Thomas S. Zilly
AUSA: Susan M. Roe
Defendant's attorney: Carol Koller
Probation officer: Calvin Bouma